

CHAPTER 1113

CHILD CARE FACILITIES AND CARE PROVIDERS — ABUSE REPORTING — EMPLOYMENT AND LICENSURE RESTRICTIONS

H.F. 2444

AN ACT relating to child care facilities, including child abuse reporting and the prohibition of certain persons from involvement with child care.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 232.69, subsection 1](#), paragraph b, Code 2018, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (14) An employee, operator, owner, or other person who performs duties for a children's residential facility certified under [chapter 237C](#).

Sec. 2. [Section 237A.5, subsection 2](#), paragraph d, Code 2018, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) If a person subject to a record check refuses to consent to a record check or if the person makes what the person knows to be a false statement of material fact in connection with a record check, the person shall be prohibited from involvement with child care.

Sec. 3. [Section 237A.5, subsection 2](#), paragraph i, Code 2018, is amended by striking the paragraph and inserting in lieu thereof the following:

i. (1) A person subject to an evaluation shall be prohibited from involvement with child care under any of the following circumstances:

(a) The person has a record of founded child abuse or dependent adult abuse that was determined to be sexual abuse.

(b) The person is listed or is required to be listed on any state sex offender registry or the national sex offender registry.

(c) If the person has committed any of the following felony-level offenses:

(i) Child endangerment or neglect or abandonment of a dependent person.

(ii) Domestic abuse.

(iii) A crime against a child including but not limited to sexual exploitation of a minor.

(iv) A forcible felony.

(v) Arson.

(d) The person has a record of a misdemeanor conviction against a child that constitutes one of the following offenses:

(i) Child abuse.

(ii) Child endangerment.

(iii) Sexual assault.

(iv) Child pornography.

(2) If, within five years prior to the date of application for registration or licensure under [this chapter](#), for employment or residence in a child care facility or child care home, or for receipt of public funding for providing child care, a person subject to an evaluation has been convicted of a controlled substance offense or has been found to have committed physical abuse, the person shall be prohibited from involvement with child care for a period of five years from the date of conviction or founded abuse. After the five-year prohibition period, the person may submit an application for registration or licensure under [this chapter](#), or to receive public funding for providing child care or may request an evaluation, and the department shall perform an evaluation and, based upon the criteria in paragraph "h", shall determine whether prohibition of the person's involvement with child care continues to be warranted.

Approved April 11, 2018